

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-06-04
	§	
DANIEL YEH	§	

OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge dated August 15, 2006, which recommends, *inter alia*, that Defendant, Daniel Yeh, be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1); both the Government and Yeh have filed objections.

The Court, having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of federal law to the facts in this case and it is, therefore, **ACCEPTED** in its entirety and incorporated by reference herein.

Therefore, it is the **FINDING** of this Court that Yeh is presently incompetent to stand trial and he is hereby **ORDERED COMMITTED** to the custody of the Attorney General for a reasonable period of time, not to exceed four (4) months, to determine whether there is a substantial possibility that he will attain the capacity to permit the trial to proceed.

It is further **ORDERED** that Yeh **SHALL** voluntarily report to the facility designated by the Attorney General on the date and at the time determined to be appropriate by the Attorney General.

The Court **RECOMMENDS** that the Attorney General consider whether the Texas Institute of Research and Rehabilitation in Houston, Texas, would be a “suitable” facility, under 18 U.S.C. § 4247(i)(C), to determine whether there is a substantial possibility that Yeh will attain the capacity to permit the trial to proceed and, if so, consider designation of that Facility for the custodial period of Dr. Yeh.

It is further **ORDERED** that Yeh’s “Request for Immediate Discharge from the Custody of the Attorney General Due to Impossibility of Attaining Competency in the Foreseeable Future” (Instrument no. 29) is **DENIED**.

It is further **ORDERED** that Yeh’s “Motion to Dismiss Indictment” (Instrument no. 29) is **DENIED**.

DONE at Galveston, Texas this 27th day of September, 2006.



Samuel B. Kent
United States District Judge